

In the Matter of the Application of the MISSOURI PUBLIC SERVICE CORPORATION for a blanket Certificate of Convenience and Necessity, authorizing it to construct, operate, and maintain extensions to its electric transmission and distribution lines (exclusive of incorporated municipalities) in all or portions of Jackson, Lafayette, Pettis, Johnson, Cass, Bates, Henry, Benton, St. Clair, Vernon, Cedar, Barton, Dade, Harrison, Mercer, Grundy and Daviess Counties; and to authorize a proposed territorial boundary line in Livingston County; all within the State of Missouri; all of the territory and territorial boundary lines in the above mentioned Counties, being more fully shown and described on the maps and in the descriptions attached hereto, marked Exhibits A-1 to A-19, inclusive.

Case No. 9470.

Decided January 18, 1938.

- 1 (See Digest: Certificates of Convenience and Necessity, 32-34.) Electrical Extension. Local Consent. Service Area. An electrical utility, as a condition precedent to the granting of authority for the extension of its existing lines within a county, must show that it has received the consent of the county court, either for a specific line or for a prescribed area as the court may determine, and can only ask to have the record show the area in which it professes its willingness to furnish service should anyone want it and the conditions warrant the extension.
- 2 (See Digest: Monopoly and Competition, 7a.) Extensions. Blanket Certificate. Notice to Other Utilities. The Commission, in granting an electrical utility blanket authority to extend its lines anywhere within a prescribed area, held that notice of any actual extensions to be made under such general authority should be given to electric cooperative associations as well as to other public utilities whose service or the operation of whose lines may be adversely affected by the construction of a line, but that such notice was not necessary when a proposed line would not cross or parallel the line of a cooperative association or another utility.
- 3 (See Digest: Certificates of Convenience and Necessity, 12.) Electrical Extensions. Blanket Certificate. The Commission, in granting an electrical utility a blanket certificate authorizing the extension of its lines anywhere within a prescribed area, did so with the understanding that the utility was not seeking exclusive authority to operate in the area, but only that authority to extend its lines from its present or any future existing system, in order that prospective customers adjacent to the then existing system could receive service as promptly as possible and with minimum expense.
- 4 (See Digest: Service, 199-206.) Electrical Extensions. Public Benefit. It is beneficial to the public and desirous to allow an electrical utility to use its funds to make extensions in accordance with its existing extension rule where expected revenues will justify, at as low cost as good construction will permit, so that the public served will have the benefit of the lowest possible rates for the service to be rendered.

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- 5 (See Digest: Arbitration.) Blanket Certificate. Arbitration of Disputes. The Commission, in granting an electrical utility a blanket certificate authorizing the extension of its lines anywhere within a prescribed area, provided in its order that after notice had been given to any other utility or electric cooperative association affected by a specific extension and the parties were unable to come to an agreement as to their rights and obligations, the matter could then be submitted to the Commission for arbitration.

## APPEARANCES:

*W. W. Graves* for the Applicant.  
*R. W. Hedrick* for Missouri Telephone Association.  
*P. W. Markham* for Consumers Public Service Company.  
*Gregory Stockard* for Barton County Electric Cooperative  
and Ozark Electric Cooperative.  
*Richard Ashby* for Livingston County.  
*Orville Ousley* for City of Chillicothe.  
*R. E. Duffy* for the Commission.

## REPORT AND ORDER OF THE COMMISSION.

## BY THE COMMISSION:

This case is before the Commission upon the application of the Missouri Public Service Corporation, hereinafter referred to as the applicant, for an order granting it a certificate of convenience and necessity to construct, maintain and operate, as a public utility, electric transmission and distribution lines for the purpose of furnishing electric service to the public in the counties of Jackson, Lafayette, Pettis, Johnson, Cass, Bates, Henry, Benton, St. Clair, Vernon, Cedar, Barton, Dade, Harrison, Mercer, Grundy and Daviess, all in the State of Missouri. The areas within said counties in which the applicant seeks authority to construct the electric lines, as the public convenience and necessity require, are more fully hereinafter described.

In Livingston County, in which applicant now maintains and operates electric transmission lines, it asks that the Commission designate in this case the rural area of that county in which the applicant shall be expected to construct and maintain electric lines for the purpose of serving the public located therein. It has heretofore received a certificate of convenience and necessity to construct, maintain and operate lines along designated routes, those lines now being in operation, but has not received authority to construct any additional lines along other routes. The County Court has not authorized it to locate electric pole lines along and across any other highways of that county.

The case was heard by the Commission at Jefferson City, Missouri, after due notice had been given, on the 17th day of December, 1937, at which time all interested parties were given an opportunity to be heard.

The applicant is a Missouri corporation engaged as a public utility in the rendition of water, gas and electric service in cities and towns, as well as rural areas adjacent to said cities and towns, in the aforesaid counties. Its principal operating office and post-office address is Warrensburg, Missouri.

The evidence shows that the applicant has received, by orders of the respective county courts hereinabove named, with the exception of Livingston County, authority to construct, maintain and operate electric distribution lines along and across the public streets, roads and alleys, and other public places and grounds in each of the counties above named. Certified copies of the court orders of those counties are filed as a part of the application in this case. The applicant has also been granted authority by the various municipalities wherein it now operates in the aforesaid counties to construct, maintain and operate electric transmission lines and distribution systems within the corporate limits of the said towns and villages. As a condition precedent to the granting of a certificate of convenience and necessity by this Commission in any of the towns now served, or for the construction of electric lines along certain routes in the above counties, the applicant has presented to the Commission proof that it had received the required consent of the proper municipal authorities or orders of the respective county courts for the location of the proposed pole line or lines along and across the streets, roads and highways of said incorporated or unincorporated areas, as the jurisdiction of the local authorities may require.

Attached to the application, marked Exhibits "A-1" to "A-19" inclusive, are maps and verbal descriptions of the respective areas of the counties in which the applicant seeks a certificate of convenience and necessity in this case to extend its lines. These exhibits show that the applicant does not ask that the authority sought cover all the counties above named. We note that the entire areas of Benton, Johnson and Harrison are included, while only portions of the others are included. A general map, marked Exhibit "A-1", shows the exact location of the lines delineating the territory in which the applicant seeks a certificate at this time, with the exception of Livingston County.

At the hearing the applicant corrected its petition wherein it describes the boundary line heretofore determined in a formal action before this Commission between the areas now served by the applicant and the Kansas City Power & Light Company. The two parties are in agreement in this description.

In Livingston County the applicant does not have authority from the county court to locate its lines as it may desire along the highways of that county, so without such consent of local authority it does not include in its petition a request for a certificate of convenience and necessity for that county, but asks that Commission declare the line it has shown in its exhibit, and

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proposes to have it as a matter of record, as outlining the area in Livingston County wherein it should be expected to operate and extend service as against other public utilities which are now operating and may be called upon to serve the remaining portions of the county. As we mentioned above, it now has a line in that area, the northwestern part of Livingston County, and is operating a distribution system in the town of Chula. For these it has been granted, from time to time, certificates of convenience and necessity for the construction of the lines it now has in operation and for the operation of those lines.

[1] The Prosecuting Attorney of Livingston County appeared at the hearing and asked that the case be continued in order that the county could have more time to look into this case, but upon further presentation of the issues involved and the position of the applicant, it was determined that the hearing should be held. It was apparent at the hearing that the applicant was not in a position to present a request for any authority of any kind concerning its operations in Livingston County, and in reviewing the evidence submitted the Commission now finds that in view of Section 5193 of the 1929 Revised Statutes of Missouri, the applicant was in no position to present any request for authority to operate in Livingston County. It is now operating at certain points in that county, but should it desire to extend its lines, our understanding of the law is that it will be required to seek a certificate of convenience and necessity for any further extension, and as a condition precedent to the granting of such authority, it must show that it has received the consent of the county court either for the specific line or for a prescribed area, as the court may determine. Our view of the position of the applicant in this case insofar as Livingston County is concerned is that the applicant can only ask to have the record show the area in which it professes its willingness to furnish the service should anyone want it and the conditions warrant the extension. The Commission has no power to grant any right or privilege upon such request. Nothing further need be said on that point in this case.

The Consumers Public Service Company, with headquarters at Brookfield, Missouri, now engaged in furnishing electric service in Linn, Sullivan, possibly Grundy and Mercer Counties, appeared and was opposed to the applicant's proposed line wherein it runs north and south along the east side of the City of Princeton. The Consumers Public Service Company states that it now has a line extending to Princeton over which it purchases from the municipal plant at Princeton electrical energy for transmission over that line to its transmission system used in furnishing electric service to a number of cities and towns in those counties. The Consumers Public Service Company did not indicate that it had any demand for service in the area

involved at this time, and did not indicate when it may be called upon to furnish the service. The applicant likewise did not indicate that it had any calls for service in that particular area at this time. This conflict will be discussed further below.

The evidence shows that the applicant has paid the \$5.00 filing fee required by law.

Attached to the application, marked Exhibits "B-1" to "B-17" inclusive, are certified copies of the orders of the county courts that have granted the applicant authority to construct electric transmission and distribution lines along and across the highways of the respective counties. The counties are Jackson, Lafayette, Pettis, Johnson, Cass, Bates, Henry, Benton, St. Clair, Vernon, Cedar, Barton, Dade, Harrison, Mercer, Grundy and Daviess.

The applicant also files as Exhibits "C" to "C-11" inclusive, a list of the names of other electric utilities whose systems are adjacent to the territory in which it is located and in which it seeks the authority herein named. Copies of correspondence it has had with those utilities pertaining to this matter are also attached. Also, as Exhibits "D" to "D-20", is a list of the names of other public utilities, communication and pipeline, whose lines may be affected by the applicant's construction from time to time, together with correspondence it has had with those utilities. Its Exhibit "E" lists the names of all parties who are interested as owners or operators of telephone lines, mutual, individually owned or otherwise, to whom letters were sent setting forth the authority the applicant is asking in this case. All these parties were given notices of the hearing herein.

The applicant states that before constructing any of its transmission lines along the state highways it will secure from the State Highway Commission such authority as may be required by law for the proposed construction.

Applicant states that because of the increasing demand for electric service it is required continuously to extend and expand its transmission and distribution system, and that under the procedure it has heretofore followed under the laws of the State of Missouri, it has made an application for each extension, regardless of size, to serve new customers. During the year 1937, up to the date of the hearing, it made application for some 10 minor extensions, and it now has filed with it requests for service by parties located in rural territory, some of them very anxious to get the service at an early date. The applicant further states that each of these smaller extensions heretofore made have cost anywhere from \$31.00 to \$55.00 per extension. It claims that in some instances the cost of securing the certificate of convenience and necessity has amounted to more than the actual cost of constructing the physical property. By this case it hopes to eliminate that added cost, as well as expedite its procedure in arranging to take care of requests for service.

Applicant states that the transmission and distribution lines it will construct from time to time will be constructed in conformity with the National Electrical Safety Code, its specific rules and regulations on file with the Commission, and as the laws of the State of Missouri and the rules of this Commission may require. It further states that said lines and all equipment connected therewith will be maintained in a reasonably safe and adequate manner so as not to endanger the safety of the public or to interfere unreasonably with the service of other aerial lines.

In carrying out any construction program for which it now seeks authority, the applicant states that before the construction of any extension or before any major change is made in the location, phase or voltage of any existing electric transmission line in the territory described in this proceeding, it will give at least fifteen days' notice to any and all other public utility or utilities whose lines or system may be affected. In giving such notice applicant agrees to show, in sufficient detail, what the proposed construction or alteration will be, to enable the representatives of the affected utilities to determine what action they may desire to take with reference thereto. Wherever such extensions or major alterations may cause inductive or other electrical interference with the existing lines of other public utility or utilities, the expense, if any, incurred in making such changes shall be determined by agreement between the parties operating such lines and the applicant, and in case of failure of the parties to reach such agreement in settlement thereof, the matter may be submitted to the Commission for arbitration and determination in the manner provided for in Section 118 of the original Act creating the Public Service Commission of the State of Missouri, now Section 5241 of the 1929 Revised Statutes of Missouri.

[2-5] Counsel for the Barton County Electric Cooperative and the Ozark Electric Cooperative appeared in the interest of those cooperative associations. Those associations, incorporated under the laws of the State of Missouri, are composed of residents within the prescribed county or area who have associated themselves together and incorporated for the purpose of borrowing from the Federal Government, through the Rural Electrification Administration, funds necessary to construct rural lines within the area for the purpose of securing for themselves electric service. Their special interest in this case is that they be given notice the same as any other public utility by the applicant prior to the construction of any line the applicant may determine is required in the area in which it now seeks a certificate and in which the cooperative will operate. We see no reason why that information should not be given to the cooperative as well as to any other public utility. It must be understood, however, that with the granting of the authority herein sought by the applicant all parties of interest now existing in the counties have notice of the applicant's authority, and further, that if at any time in the

future the applicant determines to construct a line along a given highway, it will give notice to those utilities who may have lines along or across that particular highway or route of the line, whose service or the operation of whose line may be adversely affected by the construction and operation of the proposed line. If there is no other line along the highway or across it that may be crossed or paralleled by the construction of the applicant at the particular time, we see no reason why notice should be given to any utility, including the cooperative who may have lines in other parts of the county but not affected by the particular construction.

It is not understood by the Commission that the applicant is seeking exclusive authority to operate in the area, but authority to extend its electric lines from its present system or from the system that it may have in existence at any given time in the future, in order that prospective customers adjacent to the then existing system can receive electric service as promptly as possible and at minimum expense. It is required, 325 Mo. 1217, 315 S. W. (2) 67, to secure from this Commission a certificate of convenience and necessity before beginning any work to extend its service to new customers who reside outside of incorporated cities, towns and villages within the area herein prescribed. In order to avoid delay in securing that authority, which in turn delays the customer from receiving the service and increases the cost of the construction, it claims it seeks authority to extend its lines to new customers within the prescribed area in conformity with its extension rule now in effect or the extension rule it may have in effect at the time an extension is to be made.

A utility, under 315 Mo. 312, 286 S. W. 84, is required to extend its lines to a new customer or customers who will comply with the terms and requirements of that utility's extension rule. Likewise the Commission cannot require the utility to extend its lines to any new customer except in conformity with the existing extension rule that may be filed and in effect. So it is not understood that the applicant intends to change its practice in extending its lines to new customers within the prescribed area, but will continue to extend its lines in conformity with its extension rule, taking into account the various conditions, including economic conditions, surrounding each and every proposed extension. Of course the reasonableness of its extension rule can be examined at any time conditions may warrant. It therefore appears to the Commission beneficial to the public and desirous to allow the applicant to use its funds to make extensions where expected revenues will justify, at as low cost as good construction will permit so that the public served will have the benefit of the lowest possible rates for the service to be rendered. Should the Cooperative have electric lines in operation along the route wherein the applicant may desire to build electric lines, the

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applicant, of course, will give the Cooperative notice of the proposed construction, and if the parties cannot agree upon the issues involved the matter may be submitted to the Commission for arbitration.

With reference to the objections made by the Consumers Public Service Company mentioned above, we see no reason at this time for making any changes in the line as proposed for Mercer County, because neither the applicant nor the Consumers Public Service Company has submitted to the Commission any proof that they expect in the near future to make any extensions in the rural area adjacent to the city of Princeton. Should the applicant have a request to extend its lines in that area that may adversely affect the Consumers Public Service Company but not now served by the Consumers Public Service Company, the matter can be brought to the attention of the Commission for determination of the particular issues that may be involved at that time, and should the Consumers Public Service Company have a request for service in the area now proposed to be covered by the applicant, it will be required to bring the matter to the attention of the Commission for a certificate of convenience and necessity to serve the area not heretofore served by it. Thereupon the applicant will be given proper notice of any proposed extension into the area included by the applicant in the present case.

Upon the evidence herein submitted, the Commission finds that the authority herein sought and that which the Commission can give should be granted. We find that similar authority has been granted to other utilities, and our records show that the granting of such authority has, in no instance, affected adversely the interests of the public served. Such authority has been granted the Union Electric Company of Missouri, the Kansas City Power & Light Company, The Empire District Electric Company, the Ozark Utilities Company and the Lawrence County Water, Light & Cold Storage Company.

After due consideration, it is therefore,

*Ordered:* 1. That the Missouri Public Service Corporation be and is hereby authorized to construct, maintain and operate electric transmission lines and distribution systems over, along and across the highways of the counties of Jackson, Lafayette, Pettis, Johnson, Cass, Bates, Henry, Benton, St. Clair, Vernon, Cedar, Barton, Dade, Harrison, Mercer, Grundy and Daviess, and along such other routes as may be properly provided in said counties, and along private rights-of-way as may be secured by the applicant, all in the State of Missouri, with authority to furnish electric service to all persons in the area for which this certificate is granted and in conformity with the extension rules that the applicant, from time to time, may have on file with this Commission and in effect, such area being fully described on the map filed herein by the applicant, attached to its application and marked Exhibit "A-1", with the boundary line changed as shown by the testimony taken in the hearing, wherein the applicant amended the boundary between it



and the Kansas City Power & Light Company. The aforesaid map is hereby referred to, with the said correction, and made a part of this order. The authority herein granted, however, does not grant permission to serve within the corporate limits of any municipality unless the consent of the proper municipal authorities shall first have been obtained, and until a certificate of convenience and necessity for the operation in said municipal area shall have been secured from this Commission.

*Ordered:* 2. That said electric transmission and power lines and all equipment connected therewith shall be constructed so as to conform to the specific rules and regulations contained in the National Electrical Safety Code, issued by the United States Bureau of Standards, and where said transmission lines cross the tracks of any railroad company, said crossing shall be constructed so as to conform to the specific rules and regulations contained in the Commission's General Order No. 24, issued August 17, 1925. Furthermore, that said applicant herein shall maintain and operate said transmission lines and all equipment connected therewith in a reasonably safe and adequate manner so as not to endanger the safety of the public or to interfere unreasonably with the service of other aerial lines, and shall give reasonable notice to any other utility whose service might be affected by any proposed construction or change; and that the Commission fully retain jurisdiction of the parties and the subject matter of this proceeding, on the evidence now before the Commission, for the purpose of making such further order or orders as may be necessary.

*Ordered:* 3. Wherever said electric transmission lines may or do parallel aerial lines belonging to or operated by other companies or individuals or cross such line or lines or come in close proximity thereto so as to cause induction or other electrical interference, thereby making necessary changes in said line or lines or in the said line or lines of the applicant for the general benefit and safety of the public, the expense, if any accrued in making such changes shall be determined by an agreement between the parties operating such lines and the applicant, and in case of failure of the parties to reach such agreement in settlement thereof, the matter may be submitted to the Public Service Commission for arbitration and determination as provided for in Section 118 of the Original Act creating the Public Service Commission of this State, now Section 5241 of the Revised Statutes of Missouri for 1929.

*Ordered:* 4. That before beginning the construction of any electrical power and transmission line in the territory herein designated and before a change is made in the location, phase or voltage of any electric line that may be in operation, the applicant shall give all other utilities, associations or persons whose lines are or may be affected by such change or construction at least 15 days' written notice, showing in sufficient detail what the proposed construction or change will be to enable competent representatives of those utilities, associations or persons to determine what action the particular utility or utilities, associations or persons may desire to take with reference thereto.

*Ordered:* 5. That this order shall take effect ten days after the date hereof, and that the Secretary of the Commission shall forthwith serve on all parties interested herein, a certified copy of this report and order, and that the applicant and all other interested parties shall notify the Commission before the effective date of this order, in the manner prescribed by Section 25 of the Public Service Commission Law (Sec. 5145, R. S. Mo. 1929), whether the terms of this order are accepted and will be obeyed.

JAMES, Chr.; ANDERSON, BOYER, NORTONI and FERGUSON,  
CC., concur.

\*SUPPLEMENTAL REPORT AND ORDER.

The fourth paragraph of the Report and Order issued by the Commission herein on January 18, 1938, said paragraph appearing as the third paragraph on page 2 of the Report and Order, should state that the applicant is a Delaware corporation authorized to do business in the State of Missouri instead of stating that it is a Missouri corporation. To correct such statement this Supplemental Report and Order is issued.

It is, therefore,

*Ordered:* 1. That the fourth paragraph of the Report and Order issued herein on January 18, 1938, it being the third paragraph on page 2 of the aforesaid Report and Order, is hereby changed to read as follows:

"The applicant is a Delaware corporation, authorized to do business in Missouri, engaged as a public utility in the rendition of water, gas and electric service in cities and towns, as well as rural areas adjacent to said cities and towns, in the aforesaid counties. Its principal operating office and postoffice address is Warrensburg, Missouri."

*Ordered:* 2. That in all other respects the aforesaid Report and Order shall be and remain as originally issued.

*Ordered:* 3. That this Supplemental Report and Order be effective on January 28, 1938, and that the Secretary of the Commission serve certified copies of this Supplemental Report and Order upon all parties interested herein.

JAMES, Chr.; ANDERSON, BOYER, NORTON and FERGUSON,  
CC., concur.

In the Matter of the Joint Application of P. W. Bone to sell  
and O. B. PARSONS to purchase the Pineville Telephone  
Company located at Pineville, Missouri.

*Case No. 9364.*

*Decided January 18, 1938.*

- 1 (See Digest: Consolidation, Merger, Transfer and Sale, 6-11.) Telephone Exchange. Purchase Price. Return. A purchase price of \$3,500 to be paid in cash for a telephone system that produces only \$1,206 in revenue per year should be proven as a proper price, at least to the extent that the system is well constructed and maintained.
- 2 (See Digest: Consolidation, Merger, Transfer and Sale, 6-11; Pleadings, Practice and Procedure, 1-3.) Telephone Exchange. Method of Purchase.

\*Dated January 20, 1938.

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of (1) Missouri Public Service Corporation (a Delaware corporation) and of Missouri Public Service Company (a Missouri corporation) for authorization of a merger, whereby the Missouri corporation will acquire all properties and assets of the Delaware corporation, and of (2) Missouri Public Service Company for authority to own and operate the properties and assets of Missouri Public Service Corporation, and to issue 133,705 shares of its common stock, and assume the debts and liabilities of said Missouri Public Service Corporation.

Case No. 11,892

REPORT AND ORDER

This proceeding is before the Commission upon a joint application, filed April 17, 1960, by Missouri Public Service Corporation, a Delaware corporation (herein sometimes referred to as "Delaware Corporation"), and by Missouri Public Service Company, a Missouri corporation (herein sometimes referred to as "Missouri Company"), for authorization of a merger, whereby the Missouri Company will acquire all properties and assets of the Delaware Corporation and Missouri Company will own and operate such properties and assets, upon the assumption by the Missouri Company of all the debts, liabilities and obligations of the Delaware Corporation. Authority is also requested for Missouri Company to issue and deliver 133,705 shares of its Common Stock, without par value, to the shareholders of the Delaware Corporation on a share-for-share basis, upon the surrender, for cancellation, of the certificates representing the outstanding shares of Common Stock of the Delaware Corporation. Authority is also requested for the Missouri Company to execute and deliver a Supplemental Indenture adopting the Indenture of Mortgage, dated January 1, 1946, and all Supplemental Indentures executed thereto, executed by the Delaware Corporation, as the mortgage of the Missouri Company and assuming and agreeing

to pay all bonds heretofore or hereafter issued thereunder and agreeing to perform the terms and conditions of the said Mortgage and Supplemental Indentures.

A hearing on the application was held at Jefferson City, Missouri, on April 26, 1950, at which time all interested parties were given an opportunity to be heard and the case was submitted on the record.

The evidence submitted on behalf of applicants showed that the Delaware Corporation is a public utility corporation with principal business office at Warrensburg, Missouri, engaged principally in generating, purchasing, transmitting, distributing and selling electric energy in Western Missouri and North Central Missouri. It also produces, purchases, and distributes manufactured and natural gas and water in certain municipalities in its territory. Designation of the areas within which the Delaware Corporation was authorized to construct, maintain and operate electric utility facilities has heretofore been made by order of this Commission entered in Case No. 9470 on January 18, 1938.

The purpose of the merger was stated by applicants to be to change the place of organization of the Delaware Corporation from Delaware to Missouri. The Missouri Company, formed for that purpose, (a) will acquire all properties and assets of the Delaware Corporation, (b) will assume all the debts, liabilities and obligations of the Delaware Corporation, (c) will issue and deliver 133,705 shares of its common stock without par value for a like number of the outstanding shares of the common stock of the Delaware Corporation, being all of such outstanding shares. Delaware Corporation, having acquired the 20 shares of the organization shares of common stock of the Missouri Company, will surrender such shares for cancellation and no new shares will be issued therefor. Upon completion of the merger, the Delaware Corporation will be merged into the Missouri Company, the surviving corporation, and the Delaware Corporation will cease to exist as a separate corporate entity. A copy of the Agreement and Plan of Merger was offered in evidence, and marked Exhibit A.

The merger plan, in addition to providing for authorization and issuance of common stock of the Missouri Company, provides for authorization of 35,000 shares of First Preferred Stock of such Company of the par value of \$100 per share. Application in Case No. 11,892, relating to authorization for issuance of 20,000 shares of such First Preferred Stock, was submitted to the Commission jointly with the application herein, and reference to such application and the order issued thereon is made for a more complete description of such preferred stock and the purposes of its issue.

The capitalization of the Delaware Corporation as at December 31, 1949, consisted of an authorized 175,000 shares of common stock without par value, of which 133,705 shares were issued and outstanding with stated value of \$3,200,000, a capital surplus of \$26,761.96, and an earned surplus of \$2,724,449.17. The Corporation's funded debt, at said date, consisted of First Mortgage Bonds, Series A due 1975, 3%, principal amount \$5,100,000; Series B due 1975, 2-7/8%, principal amount \$750,000; Series C due 1978, 3-1/4%, principal amount, \$1,150,000; Series D due 1979, 3-1/4%, principal amount, \$1,000,000, 3-1/8% Serial Debentures, 1950-1955, principal amount \$341,000; and 3-1/2% Serial Debentures, 1956-1970, principal amount \$900,000.

The capitalization and funded debt of the Missouri Company, as proposed, will be identical with that of the Delaware Corporation, except that the Missouri Company will have 35,000 shares of First Preferred Stock of \$100 par value per share, authorized, and 20,000 shares, 4-3/8% Series, of such stock outstanding.

In addition to the copy of the Agreement and Plan of Merger, applicants submitted a certified copy of the Articles of Incorporation and Certificate of Incorporation of the Missouri Company, certified copy of resolutions of the Boards of Directors of the two companies authorizing the merger, form of Supplemental Indenture of the Missouri Company adopting the Mortgage Indenture and Supplemental Indentures of the Delaware Corporation, and financial statements of the Delaware Corporation, all of which were designated as

exhibits and filed this case.

Having examined the evidence, the Commission is of the opinion that the proposed merger will in no way detrimental to the public and that authority therefore should be granted. The properties and business of the applicants will be owned and operated by a corporation organized and existing under the laws of Missouri where all the public utility properties are located. Not taking into account the additional preferred stock, Missouri Company will have a capitalization practically identical to that of the Delaware Corporation, whose capitalization has been approved by this Commission in previous cases at the time such presently outstanding common stock, first mortgage bonds and debentures were issued and sold. The Commission has by separate order issued on the date of this order authorized the issuance and sale of 20,000 shares of 4-3/8% preferred stock.

It is, therefore,

ORDERED: 1. That, upon obtaining approval required by law from the holders of the voting stock of the constituent companies and the filing of evidence thereof in this case, Missouri Public Service Corporation be and hereby is authorized to merge with Missouri Public Service Company, pursuant to the Agreement and Plan of Merger dated April 11, 1960, made between the aforementioned corporations; and Missouri Public Service Company be and hereby is granted a certificate of public convenience and necessity to own, maintain and operate all properties and assets, and to acquire, hold and exercise all contracts, franchises, permits and rights now held and possessed by Missouri Public Service Corporation; including, without limitation, all rights to construct, own and maintain electric utility facilities in the areas in the State of Missouri described and designated in the order of this Commission entered in Case No. 9470 on January 16, 1958.

ORDERED: 2. That Missouri Public Service Company be and hereby is authorized to assume all debts, liabilities and obligations of Missouri Public Service Corporation.



ORDERED: 3. That Missouri Public Service Company be and hereby is authorized to issue and deliver 133,708 shares of its common stock, without par value, to the stockholders of Missouri Public Service Corporation on a share-for-share basis upon the surrender for cancellation of the certificates representing the outstanding shares of common stock of Missouri Public Service Corporation.

ORDERED: 4. That Missouri Public Service Company be and hereby is authorized to execute and deliver a Supplemental Indenture in the form, or substantially in the form, of the Supplemental Indenture filed in this case, to Commerce Trust Company, Kansas City, Missouri, as Trustee, under the Indenture of Mortgage dated January 1, 1946, and the Supplemental Indentures dated respectively September 1, 1948, January 1, 1948, and January 1, 1949, heretofore executed by the said Delaware Corporation to said Trustee, adopting said Mortgage and said Supplemental Indentures as the mortgage of Missouri Public Service Company and assuming and agreeing to pay all bonds heretofore or hereafter issued thereunder, and all interest due thereon, and agreeing to perform the terms and conditions of the said Indenture of Mortgage and Supplemental Indentures.

ORDERED: 5. That Missouri Public Service Company be and hereby is authorized to assume the payment of all debentures outstanding under the Debenture Trust Indenture executed by Missouri Public Service Corporation to The City National Bank and Trust Company of Kansas City, Trustee, dated as of January 1, 1945, and under the Debenture Trust Indenture executed by Missouri Public Service Corporation to the same Trustee, dated as of April 1, 1949, in accordance with the terms and conditions of such Debenture Trust Indentures.

ORDERED: 6. That nothing herein shall be considered as a finding by the Commission of the value for rate making purposes of the properties herein involved, nor as an acquiescence in the value placed upon said properties by the parties in this proceeding.

ORDERED: 7. That this order shall take effect on this date

and the Secretary of this Commission shall forthwith deliver to each interested party a certified copy of this order.

BY THE COMMISSION

*Marvin P. Moore*  
MARVIN P. MOORE,  
SECRETARY.

Osburn, Chr., Williams, Henson,  
McClintock and Randolph, CC., Concur.

Dated at Jefferson City, Missouri,  
this 28th day of April, 1950.



STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office, and I do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, this 28th day of April, 1950.

*Harold R. Moore*

SECRETARY

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 19<sup>th</sup> day of November 2004.

  
\_\_\_\_\_  
Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

# CENTRAL FILE Missouri Warranty Deed

Cass Co-Peculiar Sub  
1255 R12F106  
1253 - R12F106

This Indenture, Made on the 20th day of October A. D., One

Thousand Nine Hundred and Seventy-one by and between  
Nellie I. Allen, a widow.

of the County of Cass, State of Missouri part y of the first part, and  
Missouri Public Service Company, a corporation,  
of the County of Jackson, State of Missouri part y of the second part.  
(Mailing address of said first named grantee is 10700 E. Highway 50, Kansas City, Mo. )

WITNESSETH: THAT THE SAID PART y OF THE FIRST PART, in consideration of the  
sum of Ten Dollars and other valuable considerations ----- DOLLARS  
to her paid by said part y of the second part (the receipt of which is hereby acknowledged), do  
by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said part y of the second  
part its successors heirs and assigns, the following described lots, tracts or parcels of land  
lying, being and situate in the County of Cass, and State of Missouri, to-wit:

All that part of the Northeast Quarter of the Northeast Quarter  
of Section 17, Township 45, Range 32, in Cass County, Missouri,  
described as follows: Beginning at the Northwest corner of said  
Quarter Quarter Section; thence due East along the North line  
of said Quarter Quarter Section, a distance of 249.45 feet;  
thence South 2 degrees 02 minutes 05 seconds East, a distance of  
470.18 feet; thence due West, a distance of 255.00 feet to a  
point on the West line of said Quarter Quarter Section; thence  
North 1 degrees 39 minutes 30 seconds West along said West line,  
a distance of 470.00 feet to the point of beginning, except  
that part on the North taken for Missouri State Route YY right  
of way.

*This W. D. more accurately describes 21 April 1971 W. D.*

TO HAVE AND TO HOLD The premises aforesaid with all and singular, the rights, privileges, appur-  
tenances and immunities thereto belonging or in any wise appertaining unto the said part y of the  
second part and unto its successors heirs and assigns forever; the said first party  
hereby covenanting that she is  
lawfully seized of an indefeisable estate in fee of the premises herein conveyed; that she has  
good right to convey the same; that the said premises are free and clear from any incumbrance done or suffered  
by her or those under whom she claims; and that she will  
warrant and defend the title to the said premises unto the said part y of the second part and unto  
its successors heirs and assigns forever, against the lawful claims and demands of all persons  
whomsoever

IN WITNESS WHEREOF, The said part y of the first part has hereunto set her  
hand and seal the day and year above written.

(SEAL)

(SEAL)

(SEAL)

(SEAL)

## MISSOURI ACKNOWLEDGMENT—UNMARRIED PERSON

STATE OF Missouri  
COUNTY OF Cass } ss.

On this 11 day of January, 1972.

before me, Paul H. Smith, a Notary Public, personally appeared Mallia I. Allen in me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed. And the said Mallia I. Allen further declares herself to be single and unmarried.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in \_\_\_\_\_ the day and year last above written.

My term expires 3/13/74, 19\_\_\_\_.

Notary Public in and for said County and State.

Cass County, Adjoins, Jackson County.

Paul H. Smith

## MISSOURI ACKNOWLEDGMENT—MAN AND WIFE

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ } ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_

and his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in \_\_\_\_\_ the day and year last above written.

My term expires \_\_\_\_\_, 19\_\_\_\_.

Notary Public in and for said County and State.

29737

Warranty Deed

FROM

TO

Filed for record this 21 day

of January A.D. 1972

at 2:45 o'clock, 05 minutes, P. M.

Recorded in book 558 at page 651

By \_\_\_\_\_ Recorder.

Recorder's Fee, \$ 3.00 Deputy.

RECORDED Fee 2.00  
STATE USER FEE 1.00  
TOTAL - \$ 3.00

STATE OF Missouri  
COUNTY OF Cass } ss.

## IN THE RECORDER'S OFFICE

I, Mason Fall, Recorder of said County, do hereby certify that the within instrument of writing was, at 2 o'clock and 05 minutes P. M., on the 21 day of January A. D., 1972, duly filed for record in my office, and is recorded in the records of this office, in book 558, at page 651.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Harrisonville, Mo. this 21st day of January A. D., 1972.

Mason Fall

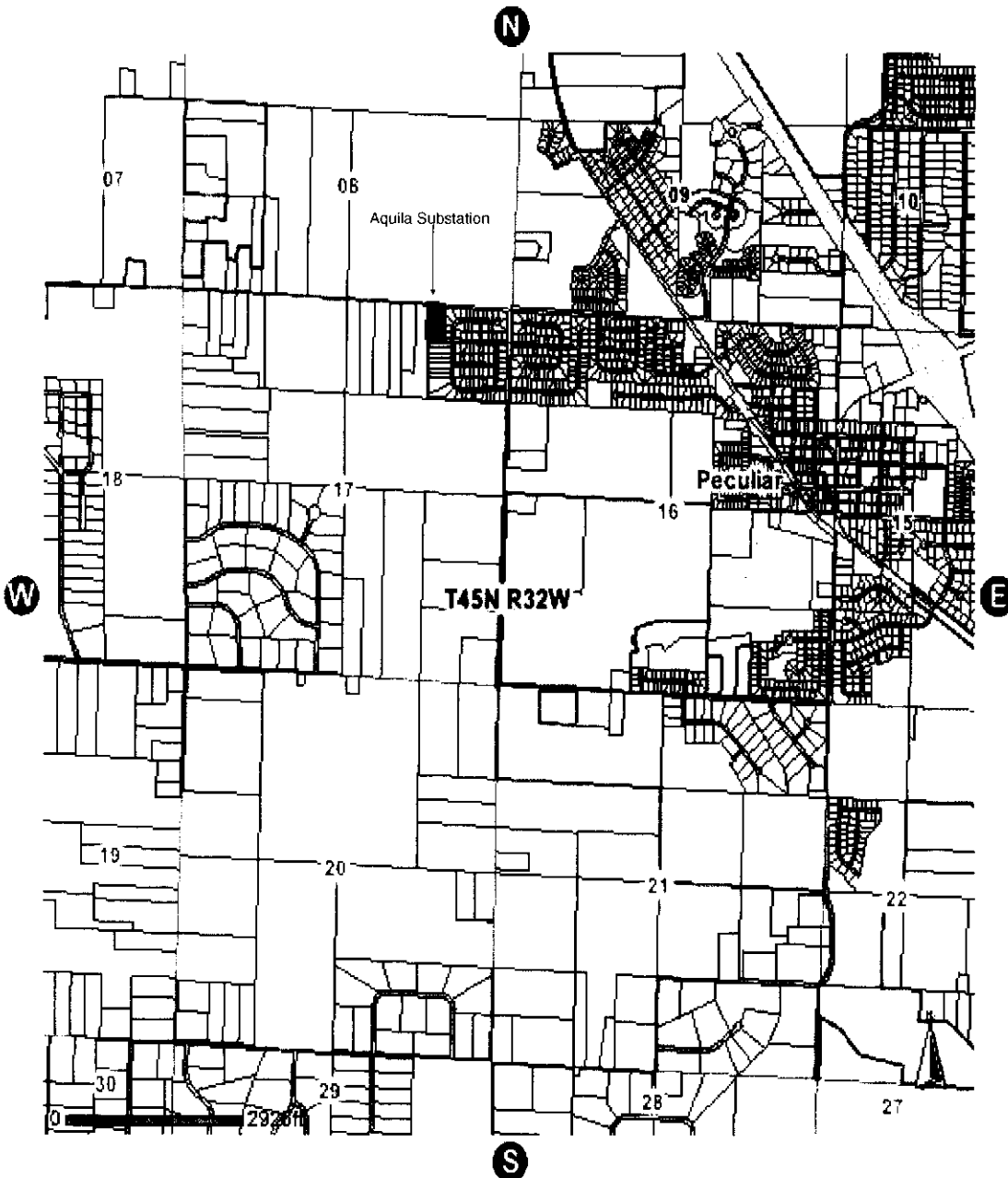
Recorder.

BY \_\_\_\_\_

File



Aquila Peculiar 69kV Substation  
Outside City Limits  
Detail



<b>Parcel ID</b>	070417000000002000	<b>Class</b>		<b>Owner Name</b>	MISSOURI PUBLIC SERVICE
<b>Sec/Twp/Rng</b>	17-45-32	<b>Acreage</b>	2.72	<b>Owner Address</b>	MISSOURI PUBLIC SERVICE
<b>Property Address</b>	9707 STATE ROUTE YY			10700 E 350 HIGHWAY	
					KANSAS CITY, MO 64138-
<b>District</b>					
<b>Brief Tax Description</b> BG NW CR NE NE E249' S470' W255' N470'					

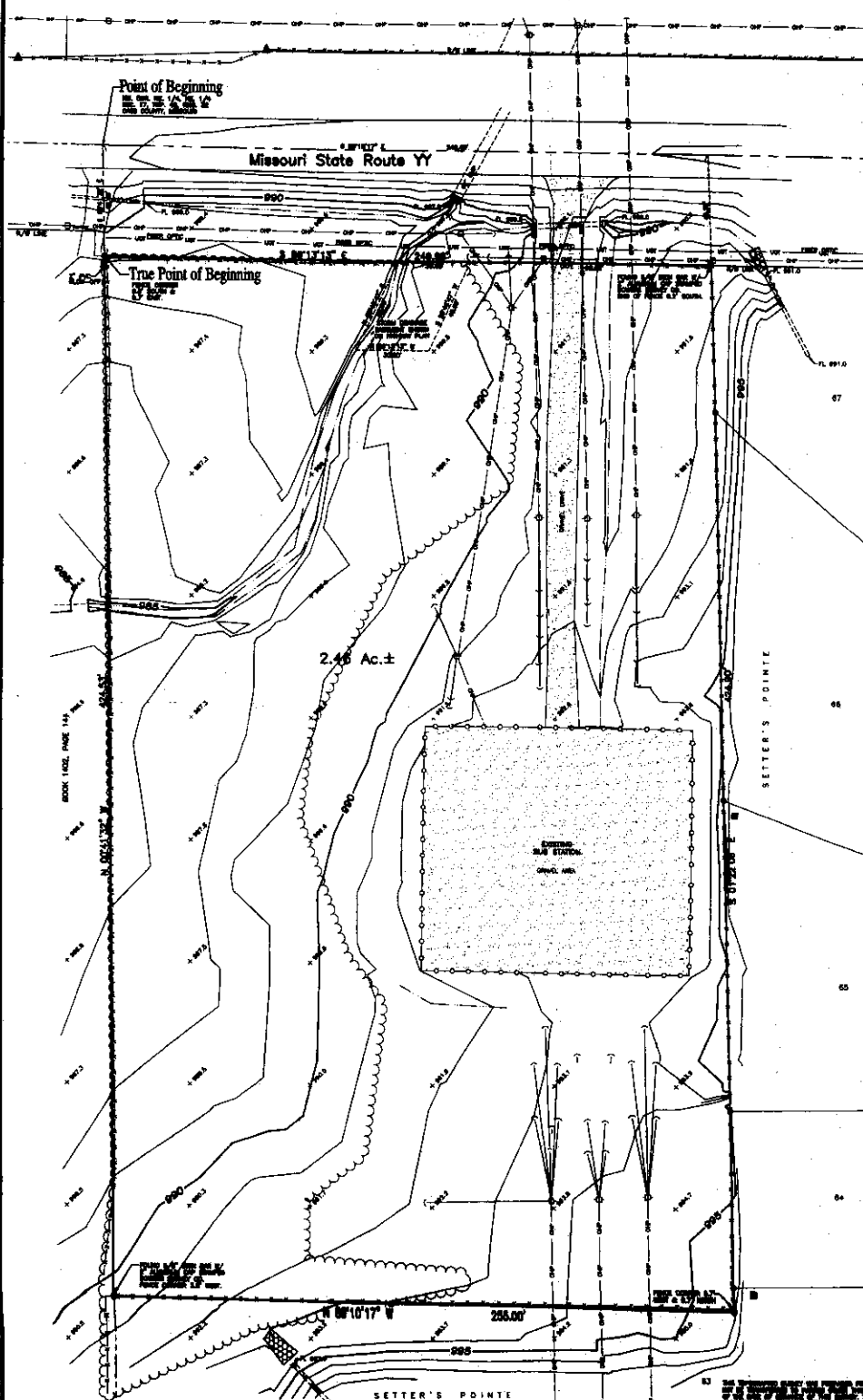
Aquila Peculiar 69kV Substation

Outside City Limits

Overview



Ruler



### LEGEND

- — STREET LIGHT
- — BUILDING LIGHT
- — POWER POLE
- ⊕ — TRANSFORMER
- ⊖ — WATER METER
- ⊗ — GAS METER
- ⊙ — GAS REGULATOR
- ⊕ — GAS MANHOLE
- ⊖ — VALVE
- ⊙ — HYDROM
- ⊕ — STREET SIGN
- ⊖ — CLEANOUT
- ⊙ — TREE
- ⊕ — BUSH
- ⊙ — TREE STUMP
- ⊕ — MANHOLE
- ⊖ — DOWN GUY
- ⊙ — TELEPHONE FEEDLINE
- ⊕ — SATELLITE DISH
- ⊖ — SOIL SCORING
- ⊙ — ANTENNA
- ⊕ — CONCRETE OR CONC. PAD
- ⊖ — FLAG POLE
- ⊙ — HYDROM METER, IRRED
- ⊕ — HOOD-CAP PARKING
- ⊖ — RIGHT-OF-WAY MARKER
- ⊙ — BARE FENCE
- ⊕ — CHAINLINK FENCE
- ⊖ — WOOD FENCE
- ⊙ — SPOT ELEVATION
- ⊕ — OVERHEAD POWER LINE
- ⊖ — OVERHEAD TELEPHONE LINE
- ⊙ — OVERHEAD CABLE TV LINE
- ⊕ — OVERHEAD COMMUNICATIONS LINE
- ⊖ — UNDERGROUND TELEPHONE LINE
- ⊙ — UNDERGROUND POWER LINE
- ⊕ — SANITARY SEWER
- ⊖ — STORM SEWER
- ⊙ — GAS
- ⊕ — WATER
- ⊖ — CONCRETE
- ⊙ — CORRUGATED METAL PIPE
- ⊕ — PLUMBING
- ⊖ — CONCRETE PIPE
- ⊙ — VERTICAL CIP PIPE
- ⊕ — POLYURETH. GLASSIDE PIPE
- ⊖ — VERTICAL CIP
- ⊙ — RAILROAD TRACKS
- ⊕ — BRUSH
- ⊖ — RSP PAV

**Record Description:**

**ALL THIS PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 46, RANGE 32, ONEB COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:**  
 BEGINNING AT THE NORTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE DUE EAST ALONG THE NORTH LINE OF SAID QUARTER QUARTER SECTION, A DISTANCE OF 246.48 FEET; THENCE SOUTH 29°07' EAST, A DISTANCE OF 470.18 FEET; THENCE DUE WEST, A DISTANCE OF 286.00 FEET TO A POINT ON THE WEST LINE OF SAID QUARTER QUARTER SECTION; THENCE NORTH 71°32'30" WEST ALONG SAID WEST LINE, A DISTANCE OF 470.00 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART ON THE NORTH DAKOTA FOR MISSOURI STATE RANGES 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815

**Survey Description:**

**Survey Description:**

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 45, RANGE 30, ORE COUNTY, MISSOURI, DESCRIBED AS FOLLOWS FROM THE NORTHEAST CORNER OF SAID QUARTER QUARTER SECTION 17, BEING SOUTH 04°12' EAST ALONG THE WEST LINE TWENTY-SEVEN (27) ACRES TO A POINT ON THE SOUTH TWENTY-OF-FOUR LINE OF SECTION SEVEN, THENCE BY AS NOW LAYING THENCE SOUTH 03°13'12" WEST ALONG SAID TWENTY-OF-FOUR LINE, THENCE NORTH TWENTY-OF-FOUR (24) ACRES, AS NOW LAYING, THENCE SOUTH 03°17'12" WEST, PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17, BEING FORTY-FOUR (44) ACRES, TO A POINT ON THE WEST LINE OF SECTION SEVEN, THENCE SOUTH 04°12'00" WEST ALONG SAID WEST LINE, ALONG SAID LINE TO THE TRUE POINT OF BEGINNING, CONTAINING 2.45 ACRES, BEING 0.05 ACRES LESS THAN THE TOTAL OF SAID SECTION.

THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE AND IS IN THE PUBLIC DOMAIN. IT IS THE POLICY OF THE NATIONAL ARCHIVES TO MAKE ALL INFORMATION CONTAINED HEREIN AVAILABLE TO THE PUBLIC. IT IS THE POLICY OF THE NATIONAL ARCHIVES TO MAKE ALL INFORMATION CONTAINED HEREIN AVAILABLE TO THE PUBLIC. IT IS THE POLICY OF THE NATIONAL ARCHIVES TO MAKE ALL INFORMATION CONTAINED HEREIN AVAILABLE TO THE PUBLIC.

**BOWERS SURVEY COMPANY**  
ESTABLISHED 1902  
110 SOUTH WASHINGTON ST. P.O. BOX 71  
JACKSON, MISSISSIPPI 39201







Feb 21 08 10:02a

CASS COUNTY

CODES

(816) 380-8130

p. 1

Appendix 6

CASS COUNTY, MISSOURI  
PLANNING AND ZONING DEPARTMENT

**TRANSMITTAL**

Date: 8/29/07

To: Aquila Networks  
Attn: Doug Lukenbill  
Regarding:

cc: T. Lambertz, Codes  
sent via facsimile to 816-737-7657

Peculiar, MO. Substation 161

.....  
Doug,

The Board of Zoning Adjustment agreed to allow the expansion of this Non-Conforming Use in a public hearing on February 14<sup>th</sup>. The alterations allowed are those shown on your drawing No. 640-100, dated 9/4/07.

Your next step will be to make application for a building permit from our Codes Department, 816-380-8134.

Lee Morris

For Your Use ☒ For Your Information ☐ For Your Response ☐

Transmitted By: Lee Morris Via: Delivery ☐ Mail ☐ E-mail ☐ Facsimile ☒

Historic Courthouse, 102 E. Wall Street, Harrisonville, MO. 64701 Tel: 816-380-8131 Fax: 380-8130